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## Attorneys for Defendant EQUIFAX INFORMATION SERVICES LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

ROBERT SAINDON, ) Case No: CV-08-1744 BZ  
Plaintiff, )  
vs. )  
EQUIFAX INFORMATION SERVICES, )  
LLC; ROGER SCHULKE dba S R )  
FINANCIAL SERVICES, and STEPHEN )  
LAWRENCE dba S R FINANCIAL )  
SERVICES, )  
Defendants. )  
DEFENDANT EQUIFAX  
INFORMATION SERVICES, LLC'S  
ANSWER TO COMPLAINT

NOW COMES Defendant Equifax Information Services LLC (“Equifax”), by its attorneys, and for its answer and defenses to Plaintiff’s Complaint, states as follows:

## JURISDICTION

1. To the extent that Plaintiff can maintain this action, which Equifax denies, it admits that jurisdiction is proper in this Court.

## **PRELIMINARY STATEMENT**

2. In response to Paragraph 2 of Plaintiff's Complaint, Equifax admits that Plaintiff purports to bring this action for violations of the FCRA and pendent state claims, all of which Equifax denies any liability.

3. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Complaint.

4. Equifax admits the allegations in paragraph 4 of the Complaint.

5. Equifax admits the allegations in paragraph 5 of the Complaint.

6. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint.

7. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint.

## **FACTUAL ALLEGATIONS**

8. Equifax denies the allegations contained in Paragraph 8 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Complaint.

10. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Complaint.

11. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Complaint.

12. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint.

13. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Complaint.

14. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint.

1       15. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
2 of the allegations in paragraph 15 of the Complaint.

3       16. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
4 of the allegations in paragraph 16 of the Complaint.

5       17. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
6 of the allegations in paragraph 17 of the Complaint.

7       18. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
8 of the allegations in paragraph 18 of the Complaint.

9       19. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
10 of the allegations in paragraph 19 of the Complaint.

11       20. Equifax denies the allegations in paragraph 20 of the Complaint.

12       21. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
13 of the allegations in paragraph 21 of the Complaint.

14       22. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
15 of the allegations in paragraph 22 of the Complaint to the extent it responded in or about June  
16 2006 to plaintiff, and denies the remaining allegations in paragraph 22 of the Complaint.

17       23. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
18 of the allegations in paragraph 23 of the Complaint.

19       24. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
20 of the allegations in paragraph 24 of the Complaint.

21       25. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
22 of the allegations in paragraph 25 of the Complaint.

23       26. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
24 of the allegations in paragraph 26 of the Complaint.

25       27. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
26 of the allegations in paragraph 27 of the Complaint.

27       28. Equifax lacks knowledge or information sufficient to form a belief as to the truth  
28 of the allegations in paragraph 28 of the Complaint.

1       29.   Equifax denies the allegations contained in paragraph 29 of the Complaint.  
2       30.   Equifax denies the allegations contained in paragraph 30 of the Complaint.  
3       31.   Equifax denies the allegations contained in paragraph 31 of the Complaint.  
4       32.   Equifax denies the allegations contained in paragraph 32 of the Complaint.  
5       33.   Equifax denies the allegations contained in Paragraph 33 as they pertain to  
6 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth  
7 of the remaining allegations contained in Paragraph 33 of Plaintiff's Complaint.

8       34.   Equifax lacks knowledge or information sufficient to form a belief as to the truth  
9 of the allegations in paragraph 34 of the Complaint.

10      35.   Equifax denies the allegations contained in Paragraph 35 as they pertain to  
11 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth  
12 of the remaining allegations contained in Paragraph 35 of Plaintiff's Complaint.

13      36.   Equifax lacks knowledge or information sufficient to form a belief as to the truth  
14 of the allegations in paragraph 36 of the Complaint.

15      37.   Equifax lacks knowledge or information sufficient to form a belief as to the truth  
16 of the allegations in paragraph 37 of the Complaint.

17      38.   Equifax is without knowledge or information sufficient to form a belief as to the  
18 truth of the remaining allegations contained in Paragraph 38 of Plaintiff's Complaint.

19      39.   Equifax is without knowledge or information sufficient to form a belief as to the  
20 truth of the remaining allegations contained in Paragraph 39 of Plaintiff's Complaint.

21      40.   Equifax is without knowledge or information sufficient to form a belief as to the  
22 truth of the allegations in paragraph 40 of the Complaint.

23      41.   Equifax is without knowledge or information sufficient to form a belief as to the  
24 truth of the remaining allegations contained in Paragraph 41 of Plaintiff's Complaint.

25      42.   Equifax is without knowledge or information sufficient to form a belief as to the  
26 truth of the remaining allegations contained in Paragraph 42 of Plaintiff's Complaint.

27      43.   Equifax is without knowledge or information sufficient to form a belief as to the  
28 truth of the remaining allegations contained in Paragraph 43 of Plaintiff's Complaint.

44. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 44 of Plaintiff's Complaint.

45. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 45 of Plaintiff's Complaint.

46. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Complaint.

47. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 of the Complaint.

48. In response to Paragraph 48 of Plaintiff's Complaint, Equifax states that the provisions of the FCRA speak for themselves.

49. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 of the Complaint.

50. Equifax denies the allegations contained in Paragraph 50 of Plaintiff's Complaint.

51. Equifax denies the allegations contained in Paragraph 51 of Plaintiff's Complaint.

52. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 of the Complaint.

53. Equifax denies the allegations contained in Paragraph 53 of Plaintiff's Complaint.

<sup>54</sup> Equifax denies the allegations contained in Paragraph 54 of Plaintiff's Complaint.

<sup>55</sup> Equifax denies the allegations contained in Paragraph 55 of Plaintiff's Complaint.

<sup>56</sup> Equifax denies the allegations contained in Paragraph 56 of Plaintiff's Complaint.

57. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 of the Complaint.

<sup>58</sup> Equifax denies the allegations contained in Paragraph 58 of Plaintiff's Complaint.

<sup>59</sup> Equifax denies the allegations contained in Paragraph 59 of Plaintiff's Complaint.

## **Statement of Claims Against Equifax**

60. Equifax denies the allegations contained in Paragraph 60, including subparts a) through e) of Plaintiff's Complaint

## **Statement of Claims Against Roger Schulke**

61. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 of the Complaint.

# **Statement of Claims Against Stephen Lawrence**

62. Equifax lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 62 of the Complaint.

## **Prayer For Relief**

63. Equifax denies that it is liable to plaintiff for any of the forms of relief prayed for in the Complaint.

## **DEFENSES**

64. Without assuming the burden of proof where it otherwise rests with Plaintiff, Equifax pleads the following defenses to the Complaint:

**FIRST DEFENSE**

65. Equifax asserts that Plaintiff's Complaint fails to state a claim against Equifax upon which relief can be granted.

## **SECOND DEFENSE**

66. Plaintiff's damages, if any, were not caused by Equifax, but by another person or entity for whom or for which Equifax is not responsible.

## **THIRD DEFENSE**

67. Equifax Information Services LLC maintained reasonable procedures to assure maximum possible accuracy in its credit reports.

## **FOURTH DEFENSE**

68. Equifax has complied with the provisions of the Fair Credit Reporting Act in its handling of Plaintiff's credit file, and is entitled to each and every defense afforded to it by that statute.

## **FIFTH DEFENSE**

69. Equifax asserts that some or all of Plaintiff's claims may be pre-empted by section 1681h(e) of the Fair Credit Reporting Act.

## **SIXTH DEFENSE**

70. Equifax has acted in good faith and without malice or intent to injure Plaintiff.

## **SEVENTH DEFENSE**

71. Plaintiff has not alleged any injury in fact.

## **EIGHTH DEFENSE**

72. Plaintiff has not suffered any damages.

## NINTH DEFENSE

73. Plaintiff's damages, if any, are caused by his own acts or omissions, or the acts or omissions of third parties other than Equifax.

## **TENTH DEFENSE**

74. Plaintiff's claim for punitive damages is barred by the provisions of 15 U.S.C. §1681n.

## **ELEVENTH DEFENSE**

75. Plaintiff's Complaint seeks the imposition of punitive damages. Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: BMW v. Gore, 517 U.S. 559 (1996); Cooper Indus., Inc. v. Leatherman Tool Group, Inc., 532 U.S. 923 (2001) and State Farm v. Campbell, 538 U.S. 408 (2003).

## TWELFTH DEFENSE

76. Plaintiff has failed to mitigate his damages.

## **THIRTEENTH DEFENSE**

77. Equifax reserves the right to plead additional defenses that it learns of through the course of discovery.

## **FOURTEENTH DEFENSE**

78. Equifax asserts that some or all of Plaintiff's claims are barred by qualified immunity.

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## **FIFTEENTH DEFENSE**

79. Some, or all, of Plaintiff's claims may be barred by applicable statutes of limitation, including 15 U.S.C. § 1681p.

**WHEREFORE**, this answering Defendant prays judgment as follows:

1. That Plaintiff takes nothing by reason of his Complaint on file herein, and that the same be dismissed;
  2. For costs of suit and attorney's fees herein; and
  3. For such other and further relief as the Court may deem just and proper.

NOKES & QUINN

Dated: May 13, 2008

/S/

THOMAS P. QUINN, JR.  
Attorneys for Defendant EQUIFAX  
INFORMATION SERVICES LLC

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